

- 6 -

Commissioner of Patents and Trademarks

REMARKS

Reconsideration of this application is requested.

CLAIM REJECTIONS - 35 USC § 102

The Examiner has rejected claims 1-4 and 12 under 35 USC 102(b) as being anticipated by (4,464,895) to Morrison et al.

The Examiner has rejected claims 1, 2, 6, 9 and 10 under 35 USC 102(b) as being anticipated by (5,907,949) to Falke et al.

Claim 1 has been cancelled without prejudice.

Claims 2, 3, 4, 6 and 9 have been amended by changing their depending indirectly from claim 1, to depending directly from amended claim 7.

The Examiner has stated that claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claim 7 depended from claim 2 which in turn depended from claim 1. Claim 7 has been amended to be an independent claim which includes the limitations of claim 1, however as the Applicant believes the intervening claim 2 is not required for patentability of claim 7, claim 2 has therefore been left in dependent form. Amended claim 7 is believed to be allowable. Claims 2, 3, 4, 6, 9 and 10 have been amended to depend directly or indirectly from allowable amended base claim 7, and are therefore, also allowable.

CLAIM OBJECTIONS

The Examiner has objected to claim 10 because of a clerical error. Claim 10 has been amended to correct this clerical error so that the word "stating" has been corrected to read "starting", and therefore, the Examiner's objection to claim 10 is

- 7 -

Commissioner of Patents and Trademarks

overcome. The error was inadvertent and obvious on the face of the record, and thus correction does not narrow the scope of the claim.

ALLOWABLE SUBJECT MATTER

The Applicant gratefully acknowledges the Examiner's statement regarding the allowability of claims 5, 7, 8, 11 and 12-16. Claim 7 has been amended to an independent form, without the inclusion of intervening claim 2, and claims 2, 5, 8 and 12-14 have been amended to change their depending indirectly from claim 1, to depending directly from allowable amended independent claim 7. Therefore, the amended claims which depend directly or indirectly from amended claim 7, are all also allowable.

CONCLUSION

Applicant believes that this application is in a condition for immediate allowance. A Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

By 

Wayne H. Yan
Registration No. 44,485
Agent for Applicant

WHY/sa

Address: OGI VY RENAULT
1981 McGill College Avenue
Suite 1600
Montreal, Quebec H3A 2Y3
Canada
Tel. No: (613) 780-8682
Fax. No: (613) 230-6706